

REMARKS

Claims 1, 2, 8-11 and 48-53 are presently pending in this application. Claim 7 has been cancelled, claims 1, 2, 8 and 10 have been amended, and new claims 48-53 have been added in this response.

In the Office Action mailed April 20, 2005, claims 1, 2 and 7-11 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

(A) The Declaration filed on February 18, 2005 under 37 C.F.R. § 1.131 was alleged to be ineffective to overcome U.S. Patent No. 6,212,767 to Tandy ("Tandy");

(B) Claim 2 was objected to because of an informality; and

(C) Claims 1, 2 and 7-11 were rejected under 35 U.S.C. § 103(a) over the combination of the information in the Background of the present application ("Background Information"); U.S. Patent No. 6,378,200 issued to Lim et al. ("Lim"); U.S. Patent No. 6,071,371 issued to Leonard et al. ("Leonard"); and Tandy.

A. Response to the Allegation That the Rule 131 Declaration Is Ineffective to Overcome Tandy

The Examiner alleged that the Declaration filed on February 18, 2005 under 37 C.F.R. § 1.131 "is ineffective to overcome the Tandy reference" because the "evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Tandy reference." (Office Action, p. 2.) Specifically, the Examiner stated, "Tandy is relied on for teaching a die attach machine with two separate die attach heads. Claims 1 and 10, recite first and second die attach heads of the same die attach machine, but the declaration does not recite using a first and second die attach heads of the same die attach machine." (Office Action, pp. 2-3.)

Without conceding the merits of the Examiner's assertion, claims 1 and 10 have been amended to remove the specific reference to the first and second die attach heads of the die attach machine. As such, the previously filed Declaration under 37 C.F.R. § 1.131 contains sufficient evidence to establish conception of the invention prior to the issue date of Tandy.

In the Office Action, the Examiner further alleged that "even if conception were to be established there does not appear to be sufficient evidence of diligence." (Page 3.) In response, the undersigned attorney encloses a Declaration filed under 37 C.F.R. § 1.132 providing evidence of diligence between (a) prior to the issue date of Tandy, and (b) the date the present application was filed. The undersigned attorney notes that "[r]easonable diligence is all that is required of the attorney. Reasonable diligence is established if attorney worked reasonably hard on the application during the continuous critical period. If the attorney has a reasonable backlog of unrelated cases which he takes up in chronological order and carries out expeditiously, that is sufficient." (MPEP § 2141.)

B. Response to the Objection to Claim 2

Claim 2 was objected to because of an informality. Claim 2 has been amended to replace the phrase "based die" with "base die." This claim amendment corrects a typographical error and does not narrow the scope of the claim.

C. Response to the Section 103(a) Rejection

Claims 1, 2 and 7-11 were rejected under 35 U.S.C. § 103(a) over the combination of the Background Information, Lim, Tandy, and Leonard. The rejection of claims 1, 2 and 8-11 should be withdrawn because the previously filed Declaration of Jason L. Fuller and Shaun D. Compton under 37 C.F.R. § 1.131 establishes conception of the aspects of the invention identified in claims 1, 2 and 8-11 before April 10, 2001, the issue date of Tandy. As such, Tandy qualifies as prior art to the present application only under 35 U.S.C. § 102(e). Because Tandy and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to Micron Technology, Inc., Tandy cannot be used as a reference to support a Section 103(a) rejection of claims 1, 2 and 8-11. Thus, the rejection of claims 1, 2 and 8-11 over the combination of the Background Information, Lim, Tandy, and Leonard should be withdrawn.

Claim 7 has been cancelled in this response and therefore the rejection of claim 7 is now moot.

D. New Claims 48-53

New claims 48 and 49 depend from claim 1, and new claims 50-53 depend from claim 10. Accordingly, new claims 48-53 cannot be rejected under 35 U.S.C. § 103(a) over the combination of the Background Information, Lim, Tandy, and Leonard for the reasons described above with reference to claims 1 and 10.

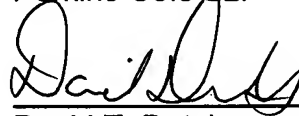
E. Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6465.

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Respectfully submitted,

Perkins Coie LLP



David T. Dutcher

Registration No. 51,638

Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000